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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,641	07/11/2003	Wendell Lee Wright	3447-16	5336

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EXAMINER

NOLAN JR, CHARLES H

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 08/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/617,641

Applicant(s)

WRIGHT, WENDELL LEE

Examiner

Charles H Nolan, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 and 31-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 and 31-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7-11-03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,3-5,17-19,23,25-27,29 and 31-36 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Parsons (US 2003/0146502).

With respect to Claims 1,17,19,23,35, Parsons teaches the sensor in paragraph [0020] and the transient circuitry coupled to the sensor including a first negative thermistor on page 10 @paragraph [0162] and the remote controller 32 from the integral sensing device 30 in figure 20 With respect to Claims 3,18,29, Parsons teaches the magnetic field sensor in his claim 38. With respect to Claim 4, Parson teaches the controller 32 operable to supply electrical power and responsive to the sensor in figure 21 and paragraph [0164]. With respect to Claims 5,26, Parsons teaches the output device 34 coupled to the controller 32 where the controller is operable to provide an output signal to the output device 34 in response to a change in the sensor signal in figure 20 and paragraph [0164]. With respect to Claim 25, Parsons teaches the means for indicating (alarm) coupled to the sensor in paragraph [0164]. With respect to Claims 27,31-34, Parson teaches the integral package on the front page diagram. With respect to Claim

36, Parsons teaches the first thermistor of the negative temperature type in paragraph [0162] and the second thermistor of a different (positive temperature type) in paragraph [0162].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-7,20-22,28,37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parsons.

With respect to Claims 6-7,20,22,37, these claims recite duplicates of structures taught by Parsons. It would have been obvious to one of ordinary skill in the art to incorporate any number of thermistors to protect the number of sensors used in the device of Parsons. With respect to Claims 21,28, Parsons teaches the indicators(alarms) in paragraph [0164].

5. Claims 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parsons in view of Harford 2003/0085234.

With respect to Claims 9-10, Parsons teaches the providing step in figure 20, the suppressing step in paragraph [0164], the detecting step in his claim 38, the "wherein" clause in paragraph [0164]. Parson teaches all the claim limitations except for the duration and magnitude of the transient power surge. Harford teaches the duration of at least 250 μ secs(greater than 100 μ secs) and a peak current of at least 500 milli-amps in

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paragraph [0039]. It would have been obvious to one of ordinary skill in the art to use the duration and peak current values of Harford in the invention of Parsons because these values "greatly diminish the surge energy transferred to the load" as taught by Harford in paragraph [0039]. With respect to Claim 11, this claim recites a duplication of the structure of Parsons. It would have been obvious to one of ordinary skill in the art to use as many thermistors as necessary to protect the device of Parsons. With respect to Claim 12, Parson teaches the coupling, providing and supplying steps in figure 20 and paragraph [0164]. With respect to Claim 13, Parson teaches that the physical characteristic is a magnetic field in his claim 38. With respect to Claim 15-16, Parson teaches the sensor, thermistor and indicator (alarm) coupled together on the front page diagram and paragraph [0164].

Allowable Subject Matter

6. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

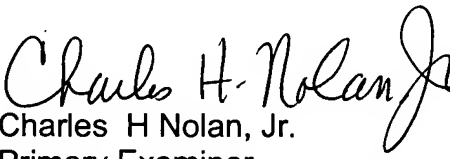
7. The following is a statement of reasons for the indication of allowable subject matter: The Examiner reserves comment until the entire instant application is in condition for allowance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles H Nolan, Jr. whose telephone number is 571-272-2171. The examiner can normally be reached on Monday through Thursday 8:00 AM to 6:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 571-272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Charles H Nolan, Jr.
Primary Examiner
Art Unit 2854

CHN